

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF COLUMBIA

FILED

AUG 20 2003

**NANCY MAYER WHITTINGTON, CLERK
U.S. DISTRICT COURT**

The Estate of **JOHN PATRICK
O'NEILL, SR.**, on behalf of **JOHN
PATRICK O'NEILL, SR.**, deceased, and
on behalf of decedent's heirs-at-law

JOHN PATRICK O'NEILL, JR.
P.O. Box 153
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CHRISTINE IRENE O'NEILL
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CAROL O'NEILL
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DOROTHY A. O'NEILL
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Plaintiffs,

v.

THE REPUBLIC OF IRAQ
Iraqi Intelligence AGENCY a/k/a/ The
Mukhabarat a/k/a/ The Fedayeen a/k/a/ Al-
'Qare a/k/a/ "Unit 999" a/k/a/ "M-8 Special
Operations"

Algerian Embassy
Iraqi Interests Section c/o
Embassy of The People's Democratic
Republic of Algeria
2137 Wyoming Ave, N.W
Washington, D.C. 20008

SADDAM HUSSEIN

HUSHAM HUSSEIN

CASE NUMBER 1:03CV01766

JUDGE: Reggie B. Walton

DECK TYPE: General Civil

DATE STAMP: 08/20/2003

**JURY
ACTION**

Jury Trial Demanded

THE ESTATE OF QUSAY HUSSEIN)

THE ESTATE OF UDAY HUSSEIN)

ABDEL HUSSEIN A/K/A/ "THE
GHOST")

AHMED KAHLIL IBRAHIM SAMIR
AL-ANI)

FARUQ AL-HIJAZI)

HABIB FARIS ABDULLAH AL-
MAMOURI)

TAHA YASSIN RAMADAN)

MUHHAMED MAHDI SALAH)

SALAH SULEIMAN)

HAQI ISMAIL)

TAHA AL ALWANI)

ABU AGAB)

ABU WAIEL)

ABU SAYYAF)

HAMSIRAJI SALI)

AL QAEDA ISLAMIC AGENCY)

OSAMA BIN LADEN)

ABU MUSAB ZARQAWI)

EGYPTIAN ISLAMIC JIHAD)

AL-GAMMAAH AL ISLAMIAH)

AYMAN AL-ZAWAHIRI)

ABU ZUBAYDH

KHALID SHEIKH MOHAMMED

ABU ABDUL RAHMAN

ABDUL RAHMAN YASIN

AL-JAEZEERA NEWS AGENCY

Al-Jazeera Information Center

P.O. Box 724

Dalton, GA 30722

FORMER AL-JAZEERA

GENERAL MANAGER MOHAMMED

JASMIN AL-ALI AND TWO FORMER

EMPLOYEES

SCHREIBER & ZINDEL

Treuhand-Anstalt

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DR. FRANK ZINDEL

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ENGELBERT SCHREIBER

Schreiber & Zindel

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ENGELBERT SCHREIBER, JR.

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MARTIN WACHTER

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**BARZAN E-TIKRITI a/k/a/ BARZAN
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TERRORIST HIJACKERS

The Estate of ABDULAZIZ AL OMARI

The Estate of WAIL AL SHEHRI

**The Estate of WALEED M. AL
SHEHRI**

**The Estate of SATAM M.A. AL
SUQAMI**

The Estate of MOHAMMED ATTA

**The Estate of FAYEZ AHMED, A/K/A/
BANIHAMMAD FAYEZ**

The Estate of AHMED AL-GHAMDI

The Estate of HAMZA AL-GHAMDI

The Estate of MARWAN AL-SHEHHI

The Estate of MOHALD AL-SHEHRI

The Estate of KHALID AL-MIDHAR

The Estate of NAWAF AL-HAZMI

The Estate of SALEM AL-HAZMI

The Estate of HANI HANJOUR

The Estate of MAJED MOQUED

The Estate of SAEED AL GHAMDI

**The Estate of AHMED IBRAHIM A. AL
HAZNAWI**

The Estate of AHMED AL NAMI

The Estate of ZIAD SAMIR JARRAH

ZACARIAS MOUSSAUI

ESTATE OF MUHAMMAD ATEF)

THE TALIBAN)

MUHAMMAD OMAR)

MUSLIM BROTHERHOOD:)

SYRIAN BRANCH)

EGYPTIAN BRANCH)

JORDANIAN BRANCH)

KUWAITI BRANCH)

IRAQI BRANCH)

AND,)

JOHN DOES 1-99)

Defendants.)

COMPLAINT

1. On September 11, 2001, Islamic terrorists perpetrated an attack on the United States that was unprecedented in history. On that day, over 3,000 Americans were killed in simultaneous attacks on the World Trade Center in New York City and the Pentagon in Arlington, Virginia. The attacks were not isolated incidents, but rather a coordinated effort by Islamic Terrorist Organizations. The attacks of September 11, 2001 had been planned for years by an extensive network of Islamic militants with the support,

aid and assistance of banks, governments, and individuals. Plaintiffs are the Estate and immediate family of John Patrick O'Neill Sr., former head of the F.B.I.'s counterterrorism division and the world's foremost expert on Islamic terrorism and Osama Bin Laden's terror network. John Patrick O'Neill, Sr. was killed in the attacks on the World Trade Center.

2. John Patrick O'Neill, Sr. became Chief of Security for the World Trade Center less than two weeks prior to the September 11th attacks. On the morning of September 11, 2001, John Patrick O'Neill Sr. was in his office in the North Tower at the time the first plane hit the South Tower. He immediately left his office and headed to the lobby of the South Tower to determine what had happened, and to assess the damage. A command post was set up in the lobby of the South Tower from where he was able to direct the rescue efforts of the first responders. When the second plane hit the North Tower, he returned there to coordinate the rescue efforts in that building, and was killed when that building collapsed.

3. On the morning of September 11, 2001, Defendants Marwan al-Sheehhi, Fayeze Ahmed a/k/a/ Bamihammad Fayeze, Ahmed al-Ghamdi, Hazma al-Ghamdi, and Molahd al-Shehri hijacked United Airlines Flight 175, bound from Boston to Los Angeles, and crashed it into the South Tower (Tower Two) of the World Trade Center in New York.

4. On the morning of September 11, 2001, Defendants Mohammed Atta, Abdul Alomari, Wail al-Shehri, Waleed al-Shehri, and Satam al-Suqami hijacked American Airlines flight 11, bound from Boston to Los Angeles, and crashed it into the North Tower (Tower One) of the World Trade Center in New York.

5. On the morning of September 11, 2001, Defendants Khalid al-Midhar, Nawalf al-Hazmi, Salem al-Hazmi, Hani Hanjour, and Majed Moqed hijacked American Airlines Flight 77, bound from Dulles Airport in Sterling, Virginia, to Los Angeles, California and crashed it into the Pentagon in Arlington, Virginia.

6. On September 11, 2001, Defendants Zihad Jarrah, Ahmed Al-Haznawi, Saeed Al-Ghamdi, and Ahmed al-Nami hijacked United Airlines Flight 93, bound from Newark, New Jersey to San Francisco, California with the intention of crashing that plane into either the United States Capitol building or the White House. In a heroic act of defiance and courage, the passengers of Flight 93 overtook the hijackers, and the plane crashed in Shanksville, Pennsylvania prior to reaching its target in Washington, D.C.

7. All nineteen (19) hijackers were members of Osama Bin Laden's Al Qaeda network. All received sponsorship, funding and training through the Al Qaeda network.

8. Plaintiffs move for judgment against Defendants, jointly and severally. In support of their Complaint, Plaintiffs allege as follows:

JURISDICTION, VENUE AND CHOICE OF LAW

9. This court has jurisdiction over the subject matter of this action pursuant to 28 U.S.C. §§1330(a), 1331, and 1332(a)(2). Venue is proper in this District Court pursuant to 28 U.S.C. §1391(f)(4).

10. Actions for wrongful death, personal injury, and related torts perpetrated by foreign state sponsors of terrorism through their officials, employees, and agents –

within the meaning of 28 U.S.C. §1605(a)(7) – are unique causes of actions arising out of federal counter-terrorism statutes and are controlled by federal law.

11. By its actions and the actions of its agencies and instrumentalities, Defendant the Republic of Iraq and its agencies and instrumentalities forfeited their right to claim immunity under the Foreign Sovereign Immunities Act 28 U.S.C. §§ 1605(a)(2), 1605(a)(5) and 1605(a)(7). Pursuant to 28 U.S.C. §1605(a)(7) and Pub L. 104-208, Div. A., Title I, §101(c), 110 Stat. 3008-172 (reprinted at 28 U.S.C. § 1605 note (West Supp.)), all defendants who are officials, employees, or agents of the foreign state defendants are individually liable to Plaintiffs for damages caused by their acts which resulted in the death of John Patrick O'Neill, Sr.

12. Defendant the Republic of Iraq by its actions and the actions of its agencies and instrumentalities described herein, conducted commercial activity that had a direct effect on the United States, and they are not immune pursuant to the Foreign Sovereign Immunities Act 28 U.S.C. §1605(a)(2).

13. Defendant the Republic of Iraq and its agencies and instrumentalities described herein, are subject to liability for said acts resulting in personal injury and death in the United States caused by the tortious act or omission of the foreign state and its officials and employees while acting within the scope of their office or employment and thus have forfeited their right to claim immunity pursuant to 28 U.S.C. §1605(a)(5).

14. Defendant the Republic of Iraq is a foreign state and was designated a state sponsor of terrorism pursuant to section 6(j) of the Export Administration Act of 1979 (50 U.S.C. App. § 2405(j)) and section 602(A) of the Foreign Assistance Act of 1961 (22 U.S.C. §2371) – from the passage of the Act in 1979 until 1982, and from 1990

until May 7, 2003,¹ and was so designated at the time the acts complained of herein occurred. Iraq provided material support and resources to the Al Qaeda terrorist organization. Iraq funded, directed, and trained Al Qaeda terrorists and is therefore a sponsor of Al Qaeda within the meaning of 28 U.S.C. §§1605(a)(7) and 1605 note.

15. Defendant the Republic of Iraq was designated a state sponsor of terrorism at the time the acts complained of herein occurred, and is therefore subject to liability for said acts and for provision of material support for said acts resulting in injury and death in the United States as a result of torture, extrajudicial killings and aircraft sabotage, and has forfeited its right to claim immunity pursuant to the 1996 Anti Terrorism Effective Death Penalty Act codified as 28 U.S.C. §1605(a)(7).

16. The actions of Defendants as described herein subjected the Plaintiffs' decedent John Patrick O'Neill, Sr., to torture and extrajudicial killing within the meaning of the Torture Victim Protection Act, Pub.L. 102-256, 106 Stat. 73 (reprinted at 28 U.S.C.A. §1350 note (West 1993)).

17. In carrying out these terrorist acts that resulted in the injury and extrajudicial killing of John Patrick O'Neill, Sr., the actions of each Defendant were conducted under actual or apparent authority, or under color of law.

18. As set forth above and below, Defendants, jointly and severally, aided, abetted, sponsored, materially supported, and conspired to proximately cause the death and injury of John Patrick O'Neill, Sr., through and by reason of acts of international terrorism. These terrorist activities constitute violations of the law of nations otherwise

¹ On April 16, 2003, Congress enacted the Emergency Wartime Supplemental Appropriations Act § 1503 Public Law 108-11, 115 Stat. 579. On May 7, 2003, the President exercised the authority granted to him by Congress in the Act, and, in effect made seized Iraqi assets unavailable for satisfying judgments in suits against the Republic of Iraq.

referred to as contemporary international law, including those international legal norms prohibiting torture, genocide, air piracy, terrorism, and mass murder as repeatedly affirmed by the United Nations Security Council.

19. As a result of Defendants' sponsorship of terrorism in violation of the law of nations and contemporary principles of international law, the Plaintiffs suffered injury and damages as set forth herein. Violations of the law of nations and of international agreements include but are not limited to:

- (1) The Universal Declaration of Human Rights, Dec 10, 1956 G.A. Res. 217(A)(III), U.N. Doc A/810, at 71 (1948);
- (2) The International Covenant of Political and Civil Rights, art. 6 (right to life), U.N. Doc. A/6316, 999 U.N.T.S. (1992);
- (3) The Convention on the Prevention and Punishment of Crimes against Internationally Protected Persons, Including Diplomatic Agents, 28 U.S.T. 1975, T.I.A.S. No. 8532 (1977), implemented in 18 U.S.C. § 112;
- (4) The General Assembly Resolutions on Measures to Prevent International Terrorism, G.A. Res. 40/61 (1985) and G.A. Res. 42/158 (1987);
- (5) The Convention on the High Seas, arts. 14-22 (piracy) 13 U.S.T. 2312, T.I.A.S. No. 5200 (1962).

THE PARTIES

20. Plaintiff John Patrick O'Neill, Jr. is a United States citizen and domiciliary of the State of Maryland. He is the son of John Patrick O'Neill, Sr. who was killed in the September 11, 2001 terrorist attack on the World Trade Center.

21. Plaintiff Christine Irene O'Neill is a United States citizen and a domiciliary of the State of New Jersey. She is the widow of John Patrick O'Neill Sr., who was killed in the September 11, 2001 terrorist attack on the World Trade Center.

22. Plaintiff Carol O'Neill is a United States citizen and a domiciliary of the state of New Jersey. She is the daughter of John Patrick O'Neill, Sr. who was killed in the September 11, 2001 terrorist attack on the World Trade Center.

23. Plaintiff Dorothy A. O'Neill is a United States citizen and a domiciliary of the State of New Jersey. She is the mother of John Patrick O'Neill Sr., who was killed in the September 11, 2001 terrorist attack on the World Trade Center.

24. Plaintiffs' decedent John Patrick O'Neill, Sr. was a United States citizen and domiciliary of the State of New Jersey. He was killed in the September 11, 2001 attacks on the World Trade Center.

25. Plaintiff the Estate of John Patrick O'Neill, Sr. is the legal entity created to recover damages on behalf of John Patrick O'Neill, Sr., deceased, and his heirs-at-law arising from the September 11, 2001 terrorist attack on the World Trade Center.

Plaintiffs John Patrick O'Neill, Jr. and Christine Irene O'Neill are Co-Executors of the Estate of John Patrick O'Neill Sr., deceased.

26. Defendant, the Republic of Iraq (hereinafter "Iraq")² is a foreign sovereign state located in the Middle East and shares borders with Saudi Arabia, Jordan, Syria, Turkey, Iran and Kuwait. The United States did not have formal diplomatic relations with the former government of Iraq, which maintained an office in New York, the Permanent Representative of Iraq to the United Nations, 14 East 59th Street, New York, NY, 10021. Iraq maintains an Interest Section in the Algerian Embassy in Washington, D.C., located at 2137 Wyoming Ave, N.W, Washington, D.C. 20008.

27. This court should take judicial notice that Defendant The Republic of Iraq has been found to be liable as a foreign state supporting international terrorism under 28 U.S.C. § 1605(a)(7) to victims of state sponsored terrorism for the acts and actions of Defendant Al Qaeda in cases before this court, namely *Daliberti v. Republic of Iraq*, 97 F. Supp. 2d 38 (DDC 2000). Defendant the Republic of Iraq is *collaterally estopped* in this action from denying that it is liable for the acts and actions of Defendant Al Qaeda.³

28. Defendant, the Iraqi Intelligence Agency, also known as ("a/k/a") Mukhabarat, a/k/a the Fedayeen, a/k/a Al-Qare, a/k/a Unit 999, a/k/a M-8 operations, was the intelligence and operational entity in charge of conducting clandestine operations for the Iraqi government and was an agency, instrumentality, and/or organ of the Iraqi government.

29. This court should take judicial notice of the fact that Defendant, The Iraqi Intelligence Agency has been found to be liable as a foreign state supporting international terrorism under 28 U.S.C. § 1605(a)(7) to victims of state sponsored terrorism for the acts

² In April 2003, U.S. Armed forces overthrew the regime of Saddam Hussein. Any successor government of Iraq remains liable for the state-sponsored acts of terrorism of its predecessor government.

and actions of Defendant Al Qaeda in cases before this court, namely *Daliberti v. Republic of Iraq*, 97 F. Supp. 2d 38 (DDC 2000).

30. Defendants Saddam Hussein, the Estate of Qusay Hussein, the Estate of Uday Hussein, Husham Hussein, Tahya Yassin Ramadan, Muhammed Madhi Salah, Faruq Al-Hijazi, Salah Suleiman, Ahmed Khalil Ibrahim Samir al-Ani, Habib Faris Adullah al-Mamouri, Abdel Hussein, a/k/a "The Ghost," Haqui Ismail, Taha Al Alwani, Abu Agab, and Abu Waiel are natural persons, subjects and citizens of Iraq and leaders, officials, agents/or employees of Iraq and/or its Intelligence Agency, who participated in the acts and conspiracy described below while acting in the course and scope of their employment.

31. Defendants Osama Bin Laden, The Al Qaeda Islamic Agency, Egyptian Islamic Jihad, Abu Sayyaf, Hamsiraji Sali, Abu Musab Zarqawi, Abu Zubaydh, Khalid Sheikh Mohammed, Abu Abdul Rahman, Al Jazeera, Mohammed Jasmin al-Ali, Schreiber & Zindel, Dr. Frank Zindel, Engelbert Schreiber, Engelbert Schreiber, Jr., Martin Wachter, Erwin Wachter, Sercor Treuhand Anstalt, Abdul Rahman Yasin, Ahmad I. Nasreddin, Al Taqwa Bank, Al Taqwa Trade, Property, and Industry, Ltd., Al-Gammah Al Islamiyah, Ayman al-Zawahiri, Albert Freidrich Armand Huber a/k/a/ "Armand Huber," Ali Ghaleb Himmat, Asat Trust Reg., Nada Management Organization, S.A., Yousef M. Nada, Yousef M. Nada & Co, Gesellschaft, M.B.H, Barzan e-Tikriti, Metalor, Banca del Gottardo, Abdulaziz al Omari, Wail al Shehri, Waleed M. Al Shehri, Satam M.A. al Squami, Mohammed Atta, Fayeze Ahmed a/k/a Banihammad Fayeze, Ahmed al-Ghamdi, Hamza al-Ghamdi, Marwan al-Shehhi, Mohald al-Shehri, Khalid al-Midhar, Nawaf al-Hazmi, Salem al-Hazmi, Hani Hanjour, Majed Moqued, Saeed al Ghamdi,

Ahmed Ibrahim A. al Haznawi, Ahmed al Nami, Ziad Samir Jarrah, Zaracias Moussaui, Muhammad Atef, The Taliban, Muhammad Omar, Muslim Brotherhood – Syrian Branch, Muslim Brotherhood – Egyptian Branch, Muslim Brotherhood – Jordanian Branch, Muslim Brotherhood – Kuwaiti Branch, Muslim Brotherhood – Iraqi Branch, and John Does 1-99 are individuals, organizations, banks, and charities located all over the world who conspired with Osama Bin Laden, Al Qaeda, Iraq and the Taliban to raise, launder, transfer, distribute, and hide funds for Bin Laden and Al Qaeda in order to support and finance their terrorist activities including, but not limited to, the September 11th attacks. Some of the businesses, banks and charities operate legitimately but also maintain a secret dual role as Al Qaeda front organizations and actively support its terrorist activities. Some of those organizations are purely a sham front for Al Qaeda.

32. In a similar fashion, some of the individual Defendants operate apparently legitimate businesses, while maintaining a secret dual role as Al Qaeda operatives, and others are full-fledged members of Al Qaeda who operate openly.

33. Defendants Al Taqwa and Nada Management Organization are banks who had their origin in the late 1980's, during which time the leaders of the Muslim Brotherhood formed financial management firms and banks called "Al Taqwa" ("Fear of God"), that were dedicated to the overthrow of Western nations, and the creation of a worldwide Islamic government. Headquartered in Lugano, Switzerland, with branches in Italy, Algeria, Liechtenstein, Malta, Panama and the Bahamas, they consist of the Al Taqwa Bank, Al Taqwa Management Organization SA, Al Taqwa Trade, Property and Industry, Ltd. and The Asat Trust.

34. Upon information and belief, the Al Taqwa Defendants have financed and laundered money for Arab and Islamic political and militant groups including the Algerian Armed Islamic Group (GIA) and the Egyptian Gala'a al-Islamiya, Islamic terrorist groups with links to Bin Laden and his Al Qaeda organization. Additionally, international investigations indicate that Al-Taqwa facilitated the movement of Bin Laden's money around the world in the late 1990's, a task made easier because its complex structure was designed to prevent scrutiny of its operations.

35. The Al Taqwa Defendants were founded by Defendant Yousef M. Nada, and its other principals are Defendants Ali G. Himmat, Ahmed Huber and Mohamed Mansour. Defendants Huber and Mansour are senior members of the Muslim Brotherhood.

36. Defendant Al Taqwa Bank is part of Defendant Al Taqwa Trade, Property and Industry Company which is located in Vaduz, Liechtenstein. This entity is also known as Himmat Establishment, run by a partner of Nada who, like Nada, is a member of the Egyptian Islamic Brotherhood. Although Egyptian-born, Mr. Nada is a naturalized citizen of Italy. Mr. Nada also is a member of Jamaa al-Islamiya, which is directly allied to Al Qaeda through Dr. Ayman al Zawahiri, second in command to Osama Bin Laden. According to U.S. Officials, Mr. Nada had close personal contact with Saddam Hussein.

37. Shortly after dual U.S. Embassy bombings in Kenya and Tanzania by Al Qaeda in 1998, U.S. intelligence agencies tracked telephone contact between Al Taqwa, members of Bin Laden's inner circle, and Albert "Ahmed" Huber, a convert to Islam in the 1960's who has publicly expressed support for Al Qaeda. Huber has acknowledged that Ahmad I. Nasreddin, a/k/a Hadj Ahmed Nasreddin, a/k/a Ahmed Idriss Nasreddin, is,

in fact, an Al Taqwa founding member and bank shareholder who was very active in financing and operating the Islamic Cultural Institute of Milan, which follows the violent teachings of convicted terrorist Omar Abdul Rahman. The Institute was frequently visited by known Al Qaeda terrorists. Upon information and belief, the Institute is known in Western intelligence communities as one of the main Al Qaeda stations in Europe and was used to move weapons, men, and money around the world.

38. After September 11, 2001, Al Taqwa changed its name to the Nada Management Organization SA in an attempt to avoid scrutiny. Al Taqwa and the Nada group, as well as their four principals – Nada, Himmat, Huber, and Mansour, have had their assets frozen and are believed by the U.S. Department of Justice to be co-conspirators of Al Qaeda.

39. Defendant Schreiber & Zindel of Vaduz, Liechtenstein, is a legal entity involved in money laundering activities on behalf of Al Qaeda and Al Taqwa Bank, according to documents from the Government of Liechtenstein. Upon information and belief, revenues from the sale of Iraqi oil under the United Nation's food-for-oil program were laundered to help finance Al Qaeda. Laundering activity, undertaken with the knowledge of Iraqi officials including Defendant the late Uday Hussein, the eldest son of Saddam Hussein, was undertaken through many of the same middlemen in Switzerland, Liechtenstein, and Italy that administered funds on behalf of sanctioned Al Taqwa bank and other fiduciaries associated with the Muslim Brotherhood.

40. Defendant Asat Trust Reg. of Baduz, Liechtenstein, is another money laundering organization whose assets were frozen after the events of September 11, 2001. Defendant Yousef M. Nada founded and operated Asat Trust Reg. Defendants Martin

Wachter and Erwin Wachter of the Defendant firm Sercor Treuhand Anstalt based in Liechtenstein, represented Asat Trust Reg.

41. Upon information and belief, Defendants Martin Wachter, Erwin Wachter, and Schreiber and Zindel engaged in money laundering on behalf of Al Taqwa and Al Qaeda. Their assets have not been frozen by the United States after the events of September 11, 2001.

42. Defendant Barzan e-Tikriti is Defendant Saddam Hussein's half-brother and the former finance chief for Saddam Hussein's private financial empire. For twenty years, e-Tikriti ran Hussein's network from Lugano Switzerland while simultaneously acting as Iraq's chief delegate to the United Nations' local Swiss headquarters. Upon information and belief, Defendant e-Tikriti laundered money through the Swiss bank Defendant Banca del Gottardo and through the holding company, Mediterranean Enterprises Development Projects (MEDP), moving approximately five billion dollars annually from Switzerland to offshore companies in Liechtenstein, Panama and the Bahamas, and eventually transferred some of those funds to the Al Qaeda network. In addition, e-Tikriti used a Swiss metallurgy firm, Defendant Metalor, to store and transform gold into gold bars, which were then sold for currency. Upon information and belief, Defendant Hussein's financial network was utilized to support Al Qaeda and the terrorism network.

43. Following its defeat in the 1991 Gulf War, Iraq's approach to dealing with the United States was to resort to terrorism. To achieve its goals, Iraq associated with various terrorist groups. One was the Iranian opposition group Mujahideen-e-Khalq (MEK), that had ties to Ramzi Yousef, who had entered New York in 1992 using an Iraqi

passport, and was later convicted in the 1993 World Trade Center bombing. The MEK reportedly also assisted Osama Bin Laden. The MEK reportedly assisted Osama Bin Laden's escape to Eastern Iran after the attacks of September 11, 2001. Eastern Iran is controlled by a Sunni Muslim enclave that was under heavy Iraqi influence.

44. Ramzi Yousef also gave Iraq a channel to Defendant Khalid Sheikh Mohammed who is a high level Al Qaeda operative and Yousef's uncle. Defendant Mohammed is regarded to be the mastermind of the 1993 World Trade Center bombing and the September 11th attacks as well. Iraq maintained a direct link to Al Qaeda and Khalid Sheikh Mohammed through Razmi Yousef.

45. Defendant Abu Musab Zarqawi is a senior Al Qaeda member who escaped through Iran to Iraq following the U.S. attack on Afghanistan. While in Iraq, Zarqawi received medical attention in Baghdad where he remained to recuperate for several months. During the months Zarqawi remained in Iraq, he was protected and shielded from U.S. government efforts to arrest him by the Iraqi regime.

46. Defendant Zarqawi was also a leader of the Ansar al-Islam which operated in Northern Iraq to assist the Iraqi regime in going after Kurdish dissidents. Defendant Abu Waiel was a senior Iraq Intelligence agent who, along with Defendant Zarqawi, operated the Ansar al-Islam camp.

47. Defendant Al Jazeera, the Arab media outlet, has played a significant role serving as a secret conduit to convey information back and forth from Defendant Iraq to Al Qaeda. Al Jazeera worked with the Iraqi Intelligence Agency, the Mukhabarat, to deliver propaganda of the Iraqi regime and wittingly assisted Al Qaeda. Al Jazeera has

assisted greatly in the efforts by Al Qaeda to coordinate with the Iraqi regime to conduct violence and acts of terrorism against the United States.

48. Documents captured since the April 2003 U.S. military action in Iraq reveal that certain employees of Al Jazeera received substantial funding for their efforts from the Iraqi regime. Defendant Mohammed Jaseem al-Ali and two other employees of Al Jazeera were identified in documents captured in the April 2003 U.S. military action in Iraq to have received substantial funding from the Iraqi regime in exchange for acting as liaisons between Iraq and Al Qaeda. One document reveals that Al Jazeera passed letters from Osama Bin Laden to Saddam Hussein. Another document headed "Presidency of the Republic, Mukhabarat Service" revealed contact between the Iraqi Intelligence Agency and Defendant al-Ali.

49. Defendant The Muslim Brotherhood numbers some 70 branches around the world. Defendant Egyptian Islamic Jihad is part of the Egyptian branch of the Muslim Brotherhood, to which most of the September 11th hijackers belonged. Defendant Mohammad Atta belonged to three professional engineering associations controlled by the Muslim Brotherhood. Defendants Mohammad Zammar and Mouman Darkazanli were two Al Qaeda operatives who belonged to the Syrian Branch of the Muslim Brotherhood, and who directed the Al Qaeda cell in Hamburg, Germany. Both Zammar and Darkazanli were closely associated with Atta. Zammar was Atta's mentor and is credited with recruiting Atta into Al Qaeda. Defendant Khalid Mohammed is known to have met with Defendant Atta in Hamburg, Germany.

50. The relationship of the Syrian Muslim Brotherhood members with Osama Bin Laden and later Al Qaeda goes back more than 20 years. Over the years, Osama Bin

Laden and his brother Mahrous have provided financial assistance to the Syrian Muslim Brotherhood.

51. The Syrian Muslim Brotherhood was established to undermine the regime of the late Syrian President Hafez al-Assad. During the 1980's Iraq worked with the Syrian Muslim Brotherhood, a group with intellectual leanings similar to Al Qaeda, against the regime of Syria's President Assad. The Baath party, secular in nature, was the ruling party of both Syria's President Assad and Iraqi President Saddam Hussein. Despite the Muslim Brotherhood's antipathy toward Baath secularism, Iraqi support for the Syrian Muslim Brotherhood continued until the end of the Saddam Hussein's regime in April 2003. As such, Iraqi support of the Hamburg cell comprising the September 11th hijackers flowed to their Syrian Muslim Brotherhood backers, all of whom belonged to Al Qaeda. Defendants Faruq Hijazi and Ma'Amouri, members of the Iraqi Intelligence Agency, frequently met with Defendant Atta in Hamburg. In effect, Mohammed Atta, through his close connections to Iraqi intelligence and his activities as a conduit of information and funding, became an agent of the Iraqi Intelligence Agency.

52. In furtherance of Iraq's support of Al Qaeda, Islamic terrorists associated with Al Qaeda in the southern Philippines killed two American hostages in recent years. The Philippine based terrorists admitted they received money from Iraqis close to Iraqi President Saddam Hussein. Hamsiraji Sali, a local commander of the Abu Sayyaf terrorist group, admits to having received some \$20,000 per year from Iraqi supporters. The payments provide additional evidence of a link between Iraq and the Abu Sayyaf, a group with long-standing ties to Al Qaeda and its global terror network.

53. Philippine officials also had discovered that Defendant Husham Hussein, an Iraqi diplomat, had received phone calls from an Abu Sayyaf member linked to the October 2, 2002 bombing in the southern port city of Zamboanga that killed one American serviceman and badly wounded another. The Iraqi diplomat was expelled from the Philippines.

54. Defendant Abu Sayyaf was founded more than a decade ago with help from Jamal Mohammad Khalifa, a brother-in-law of Al Qaeda leader Osama Bin Laden.

55. Defendants John Does 1-99 are other officials, employees, and/or agents of the Republic of Iraq, or others, whose identities are presently unknown, who performed acts that resulted in acts of terrorism, including the actions relating to the attacks on the World Trade Center on September 11, 2001 which caused the extrajudicial killing of Plaintiffs decedent John Patrick O'Neill, Sr. Defendants John Does 1-99 acted as agents of the Republic of Iraq, performed acts within the scope of their office, employment and/or agency, within the meaning of 28 U.S.C. § 1605 note, which caused the extrajudicial killings described below.

STATEMENT OF FACTS

56. The horrific events of September 11th were the result of a world-wide terror conspiracy against the United States involving Defendants Saddam Hussein, the Estate of Qusay Hussein, the Estate of Uday Hussein, Husham Hussein, Tahya Yassin Ramadan, Muhammed Madhi Salah, Faruq Al-Hijazi, Salah Suleiman, Ahmed Khalil Ibrahim Samir al-Ani, Habib Faris Adullah al-Mamouri, Abdel Hussein, a/k/a "The Ghost," Haqui Ismail, Taha Al Alwani, Abu Agab, and Abu Waiel, Osama Bin Laden,

The Al Qaeda Islamic Agency, Egyptian Islamic Jihad, Abu Sayyaf, Hamsiraji Sali, Abu Musab Zarqawi, Abu Zubaydh, Khalid Sheikh Mohammed, Abu Abdul Rahman, Al Jazeera, Mohammed Jasmin al-Ali, Schreiber & Zindel, Dr. Frank Zindel, Engelbert Schreiber, Engelbert Schreiber, Jr., Martin Wachter, Erwin Wachter, Sercor Treuhand Anstalt, Abdul Rahman Yasin, Ahmad I. Nasreddin, Al Taqwa Bank, Al Taqwa Trade, Property, and Industry, Ltd., Al-Gammah Al Islamiah, Ayman al-Zawahiri, Albert Freidrich Armand Huber a/k/a/ "Armand Huber," Ali Ghaleb Himmat, Asat Trust Reg., Nada Management Organization, S.A., Yousef M. Nada, Yousef M. Nada & Co, Gesellschaft, M.B.H, Barzan e-Tikriti, Metalor, Banca del Gottardo, Abdulaziz al Omari, Wail al Shehri, Waleed M. Al Shehri, Satam M.A. al Squami, Mohammed Atta, Fayez Ahmed a/k/a Banihammad Fayez, Ahmed al-Ghamdi, Hamza al-Ghamdi, Marwan al-Shehhi, Mohald al-Shehri, Khalid al-Midhar, Nawaf al-Hazmi, Salem al-Hazmi, Hani Hanjour, Majed Moqued, Saeed al Ghamdi, Ahmed Ibrahim A. al Haznawi, Ahmed al Nami, Ziad Samir Jarrah, Zaracias Moussaui, Muhammad Atef, The Taliban, Muhammad Omar, Muslim Brotherhood – Syrian Branch, Muslim Brotherhood – Egyptian Branch, Muslim Brotherhood – Jordanian Branch, Muslim Brotherhood – Kuwaiti Branch, Muslim Brotherhood – Iraqi Branch, and John Does 1-99, who have conspired for many years to attack the United States and murder United States' citizens. Defendants supported, conspired, aided and abetted, sponsored, planned and executed the September 11th terror attacks that killed thousands of people and injured many thousands more.

57. Iraq has sworn revenge against the United States since 1992 for Iraq's humiliating defeat in the Persian Gulf War. Since Iraq could not defeat the U.S. Military, it resorted to terror attacks on U.S. citizens. In order to avoid another confrontation with